REMARKS

Claims 124-127 are pending. Applicants amend claims 124-127, as suggested by the Examiner, in order to obviate the rejections and to expedite the prosecution. No new matter has been added. Allowance of the claims therefore are solicited.

Enablement Rejections:

On pages 2-4 of the office action, the Examiner rejected claims 124-127 under 35 U.S.C. § 112, first paragraph. The Examiner states that the narrower ranges for temperature or radiation doses recited in claims 124-127 are not disclosed in the specification, although the Examiner has agreed that they are covered under broad ranges disclosed. Similarly, the Examiner also believes that "UHMWPE" would be appropriate to claim per specification instead of "polyethylene". In response, applicants indicate that the specification describes UHMWPE as the polyethylene and specifically describes the applicability of the products and the processes to other polymeric materials (see for example, page 32, paragraph 3 of the specification describing examples of polyethylene such as "high-density-polyethylene, low-density-polyethylene, linear-low-density-polyethylene and polypropylene"). However, in order to expedite prosecution, applicants amend claims without acquiescence to replace the word "polyethylene" with "UHMWPE" and incorporate the ranges of temperatures and radiation doses per specification (see pages 19-24).

Specifically "with respect to the claims 124 and 127", the Examiner alleges that the instant specification, as originally filed, "does not provide basis" for the phrase "less than its decomposition temperature for a time sufficient to increase its percent elongation to break properties". Applicants respectfully disagree with the Examiner and indicate that temperatures below 145°C or about 300°C are disclosed, for example, see page 20, original claims 88-90, and page 36, Table 3 for data related to "strain at break (%)".

On page 3 of the Office Action, the Examiner also alleges that there is no mention of "percent elongation at break" in the specifications. However, the Examiner has recognized that the phrase "strain at break" is discussed at the specification. Applicants state that the phrase "strain at break" stands for the phrase "percent elongation at break". The two phrases are used interchangeably in the field and are known to those who are skilled in the art. In any event, in order to expedite the prosecution, applicants amend temperature ranges in the claims per specification and delete the phrase "less than its decomposition temperature for a time sufficient to increase its percent elongation to break properties" from the claims.

Regarding the ranges of temperature in claim 125, applicants also amend the claim as suggested by the Examiner.

On page 4 of the Office Action, with respect to claim 126, the Examiner alleges that the specification does not provide enablement for the recitation of a radiation dose from 0.5 to "about 10 Mrad". Applicants respectfully disagree with the Examiner and indicate that the specification provides radiation doses from about 0.5 Mrads to about 30 Mrads, about 0.5 Mrads to about 100 Mrads, about 0.5 Mrads to about 1000 Mrads, and about 0.5 Mrads to about 1000 Mrads, which includes "from 0.5 to 10 Mrads", see for example, on page 19, lines 9-13. However, in order to expedite the prosecution, applicants amend the claim without acquiescence to recite a range from "0.5 Mrad to 30 Mrads" as suggested by the Examiner.

Applicants therefore request withdrawal of the rejections.

Anticipation Rejections:

On pages 4-5 of the Office Action, the Examiner rejected claims 124-127 under 35 U.S.C. § 102(b) and alleged as being anticipated by Saum *et al.* (the '158 patent) as the claims are allegedly rejected by the Examiner on enablement grounds. Applicants have amended the claims in the manner suggested by the Examiner. Applicants are entitled to their February 13, 1996 and October 2, 1996 filing dates. Thus, applicants

submit that the '158 patent is not a prior art under 102(b). Therefore, applicants request withdrawal of the prior art rejections.

Double Patenting Rejections:

On pages 5-6 of the office action, the Examiner has provisionally rejected the claims 124-127 under the judicially created doctrine of obviousness-type double patenting and alleged as being unpatentable over claims 124-130 of copending application serial nos. 10/197,209 and 09/764,445.

Because applicants have not received any notice of allowance for the '209 or '445 applications, the merits of this provisional rejection need not be discussed at this time. *See* MPEP § 822.01 (August 2001). Applicants further submit that upon acceptance of the claims by the Examiner, the provisional obviousness-type double patenting rejection should be withdrawn.

REQUEST

Applicants submit that the claims 124-127 are in condition for allowance, and respectfully request favorable consideration to that effect so that an interference can be declared. The Examiner is invited to contact the undersigned at (202) 912-2000 should there be any questions.

Respectfully submitted,

December 9, 2004
Date

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